

## REMARKS

Claims 18, 48-60 and 64-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epler et al. (US 7024370) in view of Schradi et al. (US 5860918). The Examiner states that Epler et al. does not disclose updating a trigger by dropping old occurrences from the historical occurrences. The Examiner states that Schradi et al. discloses this feature, and it would be obvious to employ this feature in Epler et al. Applicant respectfully disagrees.

The claimed invention is not obvious. Epler et al. relates to a method for detecting a health related event in a population based on inputted patient information and generating an alert if needed. Schradi et al. discloses a device that monitors physiological parameters of a patient over a period of time. The device of Schradi et al. is employed to monitor a predetermined parameter. An event occurs if the parameters of the patient information exceed a threshold. For example, if the patient has cardiac issues, the device can record cardiac data from the patient over a period of time. If the patient experiences any cardiac events, these events would also be recorded on the device. Later, a physician can review the data on the device in real time. Old patient information drops over time as new patient information is added, and therefore old events can be overwritten with new events due to insufficient storage capacities (column 9, lines 22 to 33). In Schradi et al., the patient information and any events occurring during the recordation of the patient information are overwritten over time to save space.

In Schradi, only the measured patient data is updated and only old patient data is discarded. The trigger to which the patient information is compared is not updated. Neither reference discloses discarding old data upon which a trigger is updated.

Further, the Examiner's stated reason for modifying Epler in light of Schradi has not been shown to apply. Schradi discloses a self-contained medical monitoring device with limited storage capability. Epler discloses multiple servers. Storage on multiple servers relative to the data being collected in this context is practically limitless. It has not been shown that Epler would be required to discard old data for lack of storage, nor has it been shown that, even if old raw data were discarded, the discarded data would not still be factored into the updated trigger in Epler.

The Examiner has explicitly ignored the dependent claims. Applicant is not agreeing that the dependent claims are not separately patentable. Rather, Applicant simply believes it is sufficient to point out the deficiencies in the rejection of the independent claim, as done successfully in response to the previous office action. If the Examiner does not agree that the obviousness rejection

of the independent claim should be withdrawn, a prima facie case of obviousness for the dependent claims should be provided.

Applicant believes that no additional fees are necessary; however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C. for any additional fees or credit the account for any overpayment.

Respectfully Submitted,

**CARLSON, GASKEY & OLDS, P.C.**

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